

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

PATRICK DI SANTO,

Plaintiff,

-v-

1:21-CV-1132

ULSTER COUNTY, County
Attorney,

Defendant.

APPEARANCES:

OF COUNSEL:

PATRICK DI SANTO
Plaintiff, Pro Se
8847 Penrose Lane #207
Lenexa, KS 66219

DAVID N. HURD
United States District Judge

ORDER ON REPORT & RECOMMENDATION

On October 18, 2021, *pro se* plaintiff Patrick di Santo (“plaintiff”) filed this action alleging that an Ulster County Family Court Judge mishandled a child custody matter. Dkt. No. 1. As noted by U.S. Magistrate Judge Daniel J. Stewart in his Report & Recommendation (R&R”), this is the second time that plaintiff has filed a federal court lawsuit related to those state court

custody proceedings. Dkt. No. 8. Judge Stewart's R&R advises that plaintiff's complaint be dismissed with leave to replead. *Id.*

Plaintiff has filed objections. Dkt. Nos. 9, 10, 11. Upon *de novo* review of the portions to which plaintiff has objected, the R&R is accepted and will be adopted. *See* 28 U.S.C. § 636(b)(1)(C).

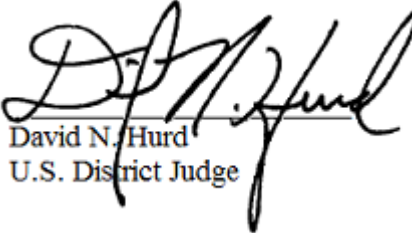
Therefore, it is

ORDERED that

1. The Report & Recommendation is ACCEPTED;
2. Plaintiff's complaint is DISMISSED with leave to replead in accordance with the instructions set forth by Judge Stewart in the December 8, 2021 Report & Recommendation; and
3. Failure to do so will result in dismissal of this action without further order of the Court.

IT IS SO ORDERED.

Dated: January 3, 2022
Utica, New York.


David N. Hurd
U.S. District Judge